

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARY TARDIF,

Plaintiff,

-v-

CITY OF NEW YORK,

Defendant.

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KIMBA M. WOOD, United States District Judge:

USDC SDNY
DOCUMENT
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13-CV-4056 (KMW)

OPINION & ORDER

This Order is in response to the parties' joint supplemental letter outlining the video segments each party seeks to introduce. (ECF No. 498.)

Each of the following video segments is admissible; each is relevant because it shows either the incident in question, witnesses' proximity and line of sight to the incident, events shortly before the incident that are important to understand the context in which the alleged physical force was used, or the events following the incident that would inform the jury's judgment of what type of injury, if any, followed. *See* Fed. R. Evid. 402. To the extent that any risk of prejudice or confusion exists, it does not substantially outweigh the probative value of these segments. *See* Fed. R. Evid. 403.

Any segments not listed are inadmissible because they are irrelevant, prejudicial, or both. *See* Fed. R. Evid. 402, 403.

I. Plaintiff's Designations

Exhibit 15

- Video segment 0:29 – 1:08, without audio, is admissible.

Exhibit 18

- Video segment 0:00 – 1:20, without audio, is admissible.

Exhibit 23

- Video segment 5:06 – 5:31, without audio, is admissible.

II. Defendant's Designations

Exhibit 15

- Video segment 0:47 – 1:30, without audio, is admissible.

Exhibit 18

- Video segment 0:00 – 1:19, without audio, is admissible.

Exhibit 23

- Video segment 2:43 – 2:58, without audio, is admissible.
- Video segment 3:47 – 3:50, without audio, is admissible.
- Video segment 5:06 – 7:08, without audio, is admissible.
- Video segment 7:22 – 7:56, without audio, is admissible.

Exhibit A-1

- Video segment 4:01 – 5:17, without audio, is admissible.
- Video segment 5:18 – 5:33 is admissible. The parties disagree about whether to play the segment's audio. Defendant seeks to introduce segment 5:18-5:33 without audio. Defendant may do so. Plaintiff has the option to herself introduce the segment with audio.
- Video segment 5:34 – 5:39, without audio, is admissible.
- Video segment 5:40 – 6:10 is admissible. The parties disagree about whether to play the segment's audio. Defendant seeks to introduce segment 5:40 – 6:10 without audio. Defendant may do so. Plaintiff has the option to herself introduce the segment with audio. If Plaintiff chooses to introduce the segment with audio, the only audio that will be permitted is from 5:46-5:48 because that is when the statement “we need a bus at union square” can be heard, which is the only relevant audio.
- Video segment 6:11 – 7:12, without audio, is admissible.

Exhibit A-2

- Video segment 0:10 – 0:18, with audio, is admissible.
- Video segment 2:31 – 2:39, without audio, is admissible.

SO ORDERED.

Dated: New York, New York
June 20, 2022

/s/ Kimba M. Wood
KIMBA M. WOOD
United States District Judge